

ARGUMENTS / REMARKS

Claims 1-62 are pending in the application. Claims 6, 15-16, 20, 26, 30-34, 37, 39-41, 46-47, 49-50, 53 and 56-58 are cancelled.

As set forth in the above listing of claims, claims 1-5, 7-12, 14, 17-18, 21, 23-25, 27-28, 35-36, 38, 42-43, 45, 48, 51, 54 and 59-62 have been amended.

The Examiner has rejected each of claims 1-62 under 35 U.S.C. §103(a). More specifically, the Examiner has stated that each of these pending claims is unpatentable over U.S. Patent No. 6,214,077 issued to Bittner, et al., in view of U.S. Patent No. 5,599,364 issued to Hawkins. In response, Applicant has amended certain claims to clarify its inventions.

A. Claims 1-20.

Claims 1-20 present apparatus claims. Claim 1 is an independent claim directed to a cartridge locking device. Claims 2-20 depend from claim 1.

Claim 1 has been amended to clarify the nature of the invention. In this respect, the claim specifically notes that the invention applies to releasably securing a filter within the plenum of a filtering assembly. Also, the claim clarifies that the lever member pivots in response to movement of the actuating member, that is, when the actuating member moves between a locked position and an unlocked position. For example, and by way of example only, this movement of the actuating member involves linear movement that translates into pivoting movement of the lever member. In this way, the distal end of the lever member is selectively moved between a bearing position against the filter (when the actuating member is in its locked position) and a spaced apart position from the filter (when the actuating member is in its unlocked position).

Neither of the two references cited by the Examiner provides a lever member that pivots within the plenum in response to movement of an actuating member. Bittner, *et al.* teaches a door assembly that utilizes a mounting plate to selectively engage with the cover of an elongated filter cartridge. The door assembly selectively moves in a linear direction in order to tighten down on the filter cartridge so as to place the cartridge in a sealed position within a dust collector. The Examiner has identified the central support rod (item 22 shown in FIG. 2) as the "lever member." (Office Action dated 08/12/2004, p. 2). However, this central support rod does not move; rather, the central rod extends through and is received within openings of the door and

mounting plate. The door and mounting plate move upon release of the adjustment holder (item 54) while the central support rod is stationary.

Referring to the '364 Hawkins patent, the Examiner has identified item 33 of FIG. 4 of the Hawkins patent as a lever member. However, item 33 is a piston that travels in a linear direction only; it does not pivot as provided by claim 1. Further, the piston 33 of Hawkins does not have a distal end that pivots into a bearing position against a filter when the actuating member is in its locked position. Applicant also respectfully notes that the Examiner has not identified any item from the '364 Hawkins patent that would constitute an analogous "actuating member," nor has the Examiner identified any actuating member that extends through the wall of the plenum.

For these and other reasons, Applicant respectfully submits that neither the '077 Bittner, *et al.* patent nor the '364 Hawkins patent teach, show or suggest each limitation of claim 1.

Claims 2-5, 7-14 and 17-20 depend from claim 1. Because claim 1 is allowable, Applicant submits that these dependent claims are likewise in condition for allowance. Applicant would add that claims 3 and 4 (and other claims depending therefrom) include the additional limitation that the lever member moves from a radially aligned position to a radially non-aligned position relative to the filter when the actuating member is in its unlocked position. Again, neither the '077 Bittner, *et al.* patent nor the '364 Hawkins patent teach, show or suggest such a limitation, alone or in combination.

It is again noted that claims 6, 15-16 and 20 have been canceled. These claims were canceled not for reasons related to patentability, but because they were deemed to be redundant or to contain subordinate details. However, Applicant reserves the right to pursue these claims in a continuation application.

B. Claims 21-42.

Claims 21-42 also present apparatus claims. Claim 21 is an independent claim directed to a cartridge locking device. Claims 22-42 depend from claim 21.

Claim 21 has been amended to clarify the nature of the invention. In this respect, the claim specifically notes that the invention applies to the installation of a filter assembly within the plenum of a filtering apparatus. Also, the claim clarifies that the lever member is connected to an actuating member inwardly of the plenum and has a distal end for bearing against a filter

within the plenum. Further, claim 21 provides that the lever member is movable in a first plane between a first bearing position and a second spaced-apart position relative to the filter, and in a second plane between a first radially aligned position and a second radially non-aligned position also relative to the filter in response to movement of the actuating member.

Claim 21 does not require pivoting movement of the lever member, but does provide that the lever member is movable in two planes, that is, in a first plane between a first bearing position and a second spaced-apart position relative to the filter, and in a second plane between a first radially aligned position and a second radially non-aligned position also relative to the filter.

As noted above, the 077 Bittner, *et al.* patent teaches a door assembly that utilizes a mounting plate to selectively engage with the cover of an elongated filter cartridge. The door assembly selectively moves in a linear direction in order to tighten down on the filter cartridge so as to place the cartridge in a sealed position within a dust collector. The Examiner has identified the central support rod (item 22 shown in FIG. 2) as the "lever member." (Office Action dated 08/12/2004, p. 2). However, this central support rod does not move; rather, the central rod extends through and is received within openings of the door and mounting plate. The door and mounting plate move while the central support rod is stationary.

Next, and referring again to the '364 Hawkins patent, the Examiner has identified item 33 of FIG. 4 of the Hawkins patent as a lever member. However, item 33 is a piston that travels in a single linear direction; it does not engage in radial movement.. Further, the piston 33 of Hawkins does not have a distal end that pivots into a bearing position against a filter when the actuating member is in its locked position. Applicant also respectfully notes that the Examiner has not identified any item from the '364 Hawkins patent that would constitute an analogous "actuating member," nor has the Examiner identified any actuating member that extends through the wall of the plenum.

For these and other reasons, Applicant respectfully submits that neither the '077 Bittner, *et al.* patent nor the '364 Hawkins patent teach, show or suggest each limitation of claim 21.

Claims 22-25, 27-29, 35-36, 38-40 and 42 depend from claim 21. Because claim 21 is allowable, Applicant submits that these dependent claims are likewise in condition for allowance.

It is also noted that claims 26, 30-34, 37 and 41 have been canceled. These claims were canceled not for reasons related to patentability, but because they were deemed to be redundant

or to contain subordinate details. Applicant reserves the right to pursue these claims in a continuation application.

Finally, Applicant notes that the word "filter" has been changed to --filter assembly--. This is to clarify that the lever member may or may not bear directly against the filter; it may bear against a bearing surface connected to the filter, such as a palm button. However, it is understood that when a claim herein refers to supporting a filter, that it does not require direct bearing contact between the lever and the filter surface.

C. Claims 43-58.

Claims 43-58 also present apparatus claims. Claim 43 is an independent claim directed to a cartridge locking device. Claims 44-58 depend from claim 43.

Claim 43 has been amended to clarify that the lever member has a first end, an opposite distal end, and an intermediate pivot point that pivots within the plenum. In addition, claim 43 provides that when the locking member is in its unlocked position, the lever member moves between alignment and un-alignment positions upon moving the actuator member between its locking and unlocking positions for replacement of the filter within the plenum. Thus, the lever member has two aspects to movement.

As noted above, the '077 Bittner, *et al.* patent teaches a door assembly that utilizes a mounting plate to selectively engage with the cover of an elongated filter cartridge. The door assembly selectively moves in a linear direction in order to either tighten down on or to release the filter cartridge in its sealed position within dust collector. The Examiner has identified the central support rod (item 22 shown in FIG. 2) as the actuating member. However, this central support rod does not move; rather, the support rod extends through and is received within an opening of the mounting plate. The central support rod does not move between a locked and an unlocked position, nor does it move between alignment and un-alignment positions.

Next, and referring again to the '364 Hawkins patent, the Examiner has identified item 33 of FIG. 4 of the Hawkins patent as a lever member. However, item 33 is a piston that travels in a single linear direction; it does not travel in aligned and unaligned positions. Further, the piston 33 of Hawkins does not have a distal end that pivots into a bearing position against a filter when the actuating member is in its locked position. Applicant also notes that the Examiner has not identified any item from the '364 Hawkins patent that would constitute an analogous "actuating

member," nor has the Examiner identified any actuating member that extends through the wall of the plenum.

For these and other reasons, Applicant respectfully submits that neither the '077 Bittner, *et al.* patent nor the '364 Hawkins patent teach, show or suggest each limitation of claim 43.

Claims 44-45, 48, 51-52 and 54-55 depend from claim 43. Because claim 43 is allowable, Applicant submits that these dependent claims are likewise in condition for allowance.

It is again noted that claims 46-47, 49-50, 53 and 56-58 have been canceled. These claims were canceled not for reasons related to patentability, but because they were deemed to be redundant or to contain subordinate details. Applicant reserves the right to pursue these claims in a continuation application.

D. Claims 59-62.

Claims 59-62 present method claims. Claim 59 is an independent claim directed to a method of operating a cartridge locking device. Claims 60-62 depend from claim 59.

Each of claims 59-62 have been amended. Claim 59 has been amended to include the step of:

radially moving the actuating member from a first radial position to a second radial position, thereby causing the distal end of the lever member to move from a radially unaligned position relative to the filter to a radially aligned position

Neither of the references cited by the Examiner teaches this step. With respect to the '077 Bittner, *et al.* patent, Bittner, *et al.* the Examiner's identified lever member, i.e., the central support rod (item 22 shown in FIG. 2), does not move; rather, the support rod extends through and is received within openings of the door and mounting plate. Further, the support rod of Bittner, *et al.* does not radially move between aligned and unaligned positions. Concerning the '364 Hawkins patent, the Examiner's identified lever member, i.e., item 33 of FIG. 4, is a piston that travels in a linear direction only; it does not radially move as provided by claim 59. Further, the piston 33 of Hawkins does not move the actuating member from a first linear position to a second linear position, thereby causing the distal end of the lever member to pivot from an unlocked position to a locked position so as to secure the filter in the plenum.

For these and other reasons, Applicant respectfully submits that neither the '077 Bittner, *et al.* patent nor the '364 Hawkins patent teach, show or suggest each limitation of claim 59.

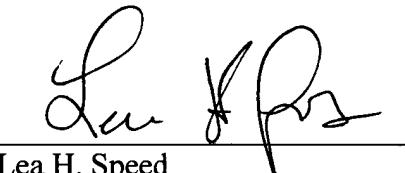
Claims 60-62 depend from claim 19. Because claim 59 is allowable, Applicant submits that claims 60-62 are likewise in condition for allowance.

CONCLUSION

Having addressed all issues set out in the Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed. Applicant states that arguments made in connection with one set of claims should not be construed as, and are not intended to be, limitations for other sets of claims herein.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the Office Action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

Respectfully submitted,



Lea H. Speed
Registration No. 48,185
Peter L. Brewer
Registration No. 41,636
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
Intellectual Property Group
165 Madison Ave., Suite 2000
Memphis, Tennessee 38103
Telephone: (901) 577-8228
Facsimile: (901) 577-4292

Attorneys for Applicant